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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 DUSTIN ANDERSON,

9 Petitioner,

2:15-cv-02245-RFB-PAL

10 vs.

**ORDER**

11 DWIGHT NEVIN, *et al.*,

12 Respondents.  
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15 This action is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by  
16 Dustin Anderson, a Nevada prisoner. Anderson initiated this action on November 25, 2015, by filing  
17 an application to proceed *in forma pauperis* (ECF No. 1), along with his habeas corpus petition  
18 (attached to application to proceed *in forma pauperis*), and a motion for appointment of counsel  
19 (ECF No. 2).

20 The financial information provided with Anderson's application to proceed *in forma*  
21 *pauperis* indicates that he is unable to pay the filing fee for this action. Therefore, the *in forma*  
22 *pauperis* application will be granted, and he will not be required to pay the filing fee.

23 The Court has reviewed Anderson's petition, pursuant to Rule 4 of the Rules Governing  
24 Section 2254 Cases in the United States District Courts, and determines that it merits service upon  
25 respondents and a response by respondents.  
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1 The court will deny Anderson's motion for appointment of counsel (ECF No. 2). "Indigent  
2 state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the  
3 circumstances of a particular case indicate that appointed counsel is necessary to prevent due process  
4 violations." *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986) (citing *Kreiling v. Field*, 431 F.2d  
5 638, 640 (9th Cir.1970) (per curiam). The court may, however, appoint counsel at any stage of the  
6 proceedings "if the interests of justice so require." See 18 U.S.C. § 3006A; see also, Rule 8(c),  
7 Rules Governing § 2254 Cases; *Chaney*, 801 F.2d at 1196. The court determines that in this case  
8 appointment of counsel is not warranted.

9 **IT IS THEREFORE ORDERED** that petitioner's Application to Proceed *In Forma*  
10 *Pauperis* (ECF No. 1) is **GRANTED**. Petitioner is granted leave to proceed *in forma pauperis*.  
11 Petitioner will not be required to pay the filing fee for this action.

12 **IT IS FURTHER ORDERED** that the clerk of the court shall separately file the petition for  
13 writ of habeas corpus, which is currently attached to the *in forma pauperis* application at ECF No. 1.

14 **IT IS FURTHER ORDERED** that the clerk of the court shall add Adam Paul Laxalt,  
15 Attorney General of the State of Nevada, as counsel for respondents.

16 **IT IS FURTHER ORDERED** that the clerk of the court shall electronically serve upon  
17 respondents a copy of the petition for writ of habeas corpus, and a copy of this order.

18 **IT IS FURTHER ORDERED** that the clerk of the court shall return to the petitioner a copy  
19 of his petition for writ of habeas corpus, along with service upon him of a copy of this order.

20 **IT IS FURTHER ORDERED** that respondents shall have **60 days** from the date on which  
21 the petition is served upon them to appear in this action, and to answer or otherwise respond to the  
22 petition.

23 **IT IS FURTHER ORDERED** that if respondents file an answer, petitioner shall have 60  
24 days from the date on which the answer is served on him to file and serve a reply. If respondents file  
25 a motion to dismiss, petitioner shall have 60 days from the date on which the motion is served on  
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1 him to file and serve a response to the motion to dismiss, and respondents shall, thereafter, have 30  
2 days to file a reply in support of the motion.

3 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel  
4 (ECF No. 2) is **DENIED**.

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6 Dated this 11th day of December, 2015.

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RICHARD F. BOULWARE, II  
United States District Judge